

Jeffrey M. Singletary, Bar No. 233528  
jsingletary@swlaw.com  
Justin F. Mello, Bar No. 329514  
jmello@swlaw.com  
SNELL & WILMER L.L.P.  
600 Anton Blvd, Suite 1400  
Costa Mesa, California 92626-7689  
Telephone: 714.427.7000  
Facsimile: 714.427.7799

Attorneys for Non-Party  
RESTORE ROBOTICS LLC

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE  
COMPANY, INC.,

Plaintiff/  
Counterclaim-Defendant

vs.

INTUITIVE SURGICAL, INC.,

Defendant/  
Counterclaim-Plaintiff.

Lead Case No. 3:21-CV-03496-VC  
Hon. Vince Chhabria  
Dept. 5

**DECLARATION OF KEVIN  
MAY IN RESPONSE TO  
ADMINISTRATIVE MOTION OF  
INTUITIVE SURGICAL, INC. TO  
CONSIDER WHETHER  
ANOTHER PARTY'S  
MATERIAL SHOULD BE  
SEALED PURSUANT TO CIVIL  
LOCAL RULE 79-5(f)  
REGARDING INTUITIVE'S  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT AND CROSS-  
MOTION FOR SUMMARY  
JUDGMENT (ECF No. 138)**

THIS DOCUMENT RELATES TO  
ALL ACTIONS

SNELL & WILMER  
L.L.P.  
LAW OFFICES  
600 ANTON BLVD, SUITE 1400  
COSTA MESA, CALIFORNIA 92626-7689

1 I, Kevin May, declare as follows:

2 1. I am over the age of eighteen years old and am the chief operating  
3 officer for non-party Restore Robotics LLC and its successor Restore Robotics  
4 Repairs LLC (collectively “Restore”). Restore is a small private company in the  
5 business of reselling, repairing, and remanufacturing EndoWrists for use with the  
6 da Vinci Surgical System. Restore has settled its own legal dispute with Intuitive  
7 and has no interest in the cases pending in this district. Unless otherwise indicated,  
8 I state the following of my own personal knowledge and, if called upon to do so, I  
9 could and would testify competently to the following.

10 2. Pursuant to Civil Local Rules 7-11 and 79-5(f), Restore submits this  
11 declaration in response to the ADMINISTRATIVE MOTION OF INTUITIVE  
12 SURGICAL, INC. TO CONSIDER WHETHER ANOTHER PARTY’S  
13 MATERIAL SHOULD BE SEALED PURSUANT TO CIVIL LOCAL RULE 79-  
14 5(f) REGARDING INTUITIVE’S OPPOSITION TO PLAINTIFFS’ MOTION  
15 FOR SUMMARY JUDGMENT AND CROSS-MOTION FOR SUMMARY  
16 JUDGMENT (ECF No. 138). Based on my review of the materials provided by  
17 Defendant Intuitive Surgical, Inc. (“Intuitive”), I understand that the instant motion  
18 includes confidential information that is the subject of an administrative motion  
19 filed previously by Intuitive on March 23, 2023 at ECF No. 130. I hereby reference  
20 and incorporate the prior declaration of Chief Executive Officer Clif Parker filed in  
21 response to that motion at ECF. No. 134. Restore maintains that there are  
22 compelling reasons for maintaining the confidentiality of that information.

23 3. Restore has also completed a review of the additional redactions in the  
24 instant motion and asks the Court to permit the limited redactions to Restore’s  
25 competitively sensitive information because publication would reveal its business  
26 plans, testing protocols, production methods, regulatory submissions and strategies,  
27 and customer and vendor identities, agreements, and strategies. Consistent with  
28 industry practice, Restore has always maintained its competitively sensitive

information within a closely held group of individuals on a need-to-know basis. Restore has invested significant manpower and monetary investment in developing its business, including research processes, production methods, testing protocols, and regulatory strategies and customer, vendor, distributor, and partner relationships. Disclosure would give substantial assistance to potential competitors – allowing them to avoid potentially years of time and millions of dollars required to their launch their own business to compete with Restore. Thus, there are compelling reasons for maintaining the confidentiality of the information very limited redactions.

4. Restore has identified additional information from the new filing in the table below requiring partial redaction to protect its competitively sensitive information. I am also attaching the proposed redacted versions to Restore-00001248 - Restore-00001256 (Ex. 1) and Restore-00086093 - Restore-00086120 (Ex. 2).

Smith Amended Rebuttal Report Pages 41-42	Cost Information (Numbers Only)
Smith Amended Rebuttal Report Page 42	Customer Identities (Names Only)



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 600 ANTON BLVD, SUITE 1400  
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Smith Amended Rebuttal Report Page 43	Vendor Identity (Name Only)
Smith Amended Rebuttal Report Page 43	Cost Information (Numbers Only)
Smith Amended Rebuttal Report Page 43	Vendor Identity (Name Only)
Smith Amended Rebuttal Report Page 43	Vendor Identity (Name Only)
Smith Amended Rebuttal Report Page 45	Customer Identity (Name Only)
Smith Amended Rebuttal Report Page 140	Vendor Identity (Name Only)

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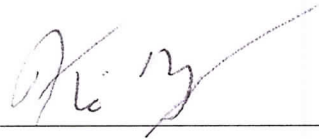
Deposition of Clifton Parker (May 4, 2021) Pages 204-205	Research Process Product Development Vendor Relationship Cost Information
Deposition of Clifton Parker (May 4, 2021) 213-216	Business Plans Regulatory Strategy Vendor Relationship
Deposition of Clifton Parker (October 25, 2022) Pages 31-32	Business Plans Regulatory Strategy
Deposition of Kevin May (November 3, 2022) Page 60	Business Plans
Cahoy Dec. Ex. 38 Restore-00001248 - Restore-00001256 Attached as Ex. 1.	Regulatory Strategy (Partial Redaction)

Cahoy Dec. Ex. 42	Testing Protocols
Restore-00086093 - Restore-00086120	Production Methods
Attached as Ex. 2.	510(k) Submission
	Regulatory Strategy
	(Partial Redaction)

5. Restore has not disclosed the documents and information above to any third party because it would allow competitors to make use of Restore's extensive efforts to resell, repair, and remanufacture EndoWrists. Disclosure would provide competitors with a significant head start in their own efforts. Moreover, disclosure of some information would reveal internal finances and ownership structure of a private company that have no bearing on the litigation.

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

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4 Executed: April 20, 2023

  
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5 Kevin May

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